

By: Van de Putte, Lucio

S.B. No. 1538

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to evaluating the performance, including computing  
3 dropout and completion rates, of public schools, including schools  
4 designated as dropout recovery schools and residential facilities.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 39.053, Education Code, is amended by  
7 amending Subsection (g-1) and adding Subsection (g-2) to read as  
8 follows:

9 (g-1) In computing dropout and completion rates under  
10 Subsection (c)(2), the commissioner may not consider as a dropout a  
11 student [~~shall exclude~~]:

12 (1) [~~students~~] who is [~~are~~] ordered by a court to  
13 attend a high school equivalency certificate program but who has  
14 [~~have~~] not yet earned a high school equivalency certificate;

15 (2) [~~students~~] who was [~~were~~] previously reported to  
16 the state as a dropout [~~dropouts~~];

17 (3) who is [~~students~~] in attendance but who is [~~are~~]  
18 not in membership for purposes of average daily attendance;

19 (4) [~~students~~] whose initial enrollment in a school in  
20 the United States in grades 7 through 12 was as an unschooled  
21 refugee [~~refugees~~] or asylee [~~asylees~~] as defined by Section  
22 39.027(a-1);

23 (5) [~~students~~] who is [~~are~~] in the district  
24 exclusively as a function of having been detained at a county

1 detention facility but is [~~are~~] otherwise not a student [~~students~~]  
2 of the district in which the facility is located; and

3 (6) [~~students~~] who is [~~are~~] incarcerated in a state  
4 jail or [~~jails and~~] federal penitentiary [~~penitentiaries~~] as an  
5 adult or as a person [~~adults and as persons~~] certified to stand  
6 trial as an adult [~~adults~~].

7 (g-2) Notwithstanding Subsection (c)(2), in computing  
8 completion rates under that subdivision, the commissioner shall  
9 include any student described by Subsection (g-1) who graduates,  
10 continues attending school into the next academic year, or receives  
11 a high school equivalency certificate.

12 SECTION 2. Section 39.054, Education Code, is amended by  
13 adding Subsection (d-2) to read as follows:

14 (d-2) In evaluating performance of a dropout recovery  
15 school designated under Section 39.0545 or a campus or  
16 open-enrollment charter school that is a residential facility, the  
17 commissioner shall assign a performance rating in accordance with  
18 Subsection (a), provided that the commissioner shall adjust the  
19 criteria on which performance is evaluated under Subsection (b) to  
20 appropriately evaluate the student population served by the dropout  
21 recovery school or residential facility, as appropriate.

22 SECTION 3. Subchapter C, Chapter 39, Education Code, is  
23 amended by adding Section 39.0545 to read as follows:

24 Sec. 39.0545. EVALUATING DROPOUT RECOVERY SCHOOLS. (a)  
25 For purposes of evaluating performance under Section 39.053(c), the  
26 commissioner shall designate as a dropout recovery school a school  
27 district or an open-enrollment charter school or a campus of a

1 district or of an open-enrollment charter school:

2 (1) that has an enrollment of which at least 50 percent  
3 of the students are 17 years of age or older as of the fall semester  
4 Public Education Information Management System (PEIMS) submission;  
5 and

6 (2) that is registered under alternative education  
7 accountability procedures adopted by the commissioner.

8 (b) Notwithstanding Section 39.053(c)(2), the commissioner  
9 shall adopt an alternative computation for the student achievement  
10 indicator under Section 39.053(c)(2) for a dropout recovery school.  
11 The computation of the completion rate shall be the ratio of the  
12 total number of students who graduate, continue attending school  
13 into the next academic year, or receive a high school equivalency  
14 certificate to the total number of students.

15 (c) For a dropout recovery school, only the best result from  
16 the primary administration and any retake of an assessment  
17 instrument administered to a student in the school year evaluated  
18 under the accountability procedures adopted by the commissioner may  
19 be considered in determining the performance rating of the school  
20 under Section 39.054.

21 SECTION 4. This Act applies beginning with the 2013-2014  
22 school year.

23 SECTION 5. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2013.